

Introduced by Senator Escutia

February 21, 2003

An act to amend Section ~~1281.85 of the Code of Civil Procedure,~~
~~relating to arbitration~~ 1463.010 of the Penal Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as amended, Escutia. ~~Arbitration: neutral arbitrators~~
Courts: fines and penalties: collection.

Under existing law, a court is authorized to order fines, fees, penalties, surcharges, or assessments, under varying circumstances. Existing law provides a procedure for the collection of these fines, fees, penalties, surcharges, and assessments, by the courts and counties.

This bill would require the Judicial Council to adopt guidelines for a comprehensive program for the collection of moneys imposed by court order, as specified. The bill would require each superior court and county to develop a cooperative plan to implement these guidelines, and to jointly and annually report to the Judicial Council in relation. The bill would also permit the Judicial Council to establish an amnesty program to waive the interest or collections costs on outstanding fines or assessments, upon a specified circumstance.

By imposing additional duties on local officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires a neutral arbitrator to comply with ethical standards, as adopted by the Judicial Council effective July 1, 2002.~~

~~This bill would make nonsubstantive, technical changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1281.85 of the Code of Civil Procedure~~

2 *SECTION 1. Section 1463.010 of the Penal Code is amended*
3 *to read:*

4 1463.010. The enforcement of court orders is recognized as
5 an important element of collections efforts. ~~Therefore, the~~ *The*
6 *prompt, efficient, and effective collection of court-ordered fines,*
7 *penalty assessments, and civil assessments ensures the*
8 *appropriate respect for court orders. To provide for this prompt,*
9 *efficient, and effective collection:*

10 *(a) The Judicial Council shall adopt guidelines for a*
11 *comprehensive program concerning the collection of moneys owed*
12 *for fines, penalty assessments, and civil assessments imposed by*
13 *court order. As part of its guidelines, the Judicial Council may*
14 *establish one or more master contracts with entities to provide*
15 *collection services to the courts and counties. The Judicial Council*
16 *may delegate to the Administrative Director of the Courts the*
17 *implementation of the aspects of this program to be carried out at*
18 *the state level.*

19 *(b) The courts and counties shall maintain the collection*
20 *program which was in place on January 1, 1996, unless otherwise*
21 *agreed to by the court and county. The program may wholly or*
22 *partially be staffed and operated within the court itself, may be*
23 *wholly or partially staffed and operated by the county, or may be*
24 *wholly or partially contracted with a third party. In carrying out*
25 *this collection program, each superior court and county shall*

1 *develop a cooperative plan to implement the Judicial Council*
2 *guidelines.*

3 *(c) Each superior court and county shall jointly report to the*
4 *Judicial Council, as provided by the Judicial Council and not more*
5 *than once a year, on the effectiveness of the cooperative superior*
6 *court and county collection program.*

7 *(d) Notwithstanding any other provision of law, the Judicial*
8 *Council may provide for an amnesty program involving the*
9 *collection of outstanding fines, penalty assessments, and civil*
10 *assessments, applicable either statewide or within one or more*
11 *counties. The amnesty program shall provide that some or all of the*
12 *interest or collections costs imposed on an outstanding fine,*
13 *penalty assessment, or civil assessment may be waived if the*
14 *remaining amounts due are paid within the amnesty period.*

15 *SEC. 2. Notwithstanding Section 17610 of the Government*
16 *Code, if the Commission on State Mandates determines that this*
17 *act contains costs mandated by the state, reimbursement to local*
18 *agencies and school districts for those costs shall be made*
19 *pursuant to Part 7 (commencing with Section 17500) of Division*
20 *4 of Title 2 of the Government Code. If the statewide cost of the*
21 *claim for reimbursement does not exceed one million dollars*
22 *(\$1,000,000), reimbursement shall be made from the State*
23 *Mandates Claims Fund.*

24 *is amended to read:*

25 ~~1281.85.—(a) Beginning July 1, 2002, a person serving as a~~
26 ~~neutral arbitrator pursuant to an arbitration agreement shall~~
27 ~~comply with the ethics standards for neutral arbitrators adopted by~~
28 ~~the Judicial Council pursuant to this section. The Judicial Council~~
29 ~~shall adopt ethical standards for all neutral arbitrators effective~~
30 ~~July 1, 2002. These standards shall be consistent with the standards~~
31 ~~established for arbitrators in the judicial arbitration program and~~
32 ~~may expand but may not limit the disclosure and disqualification~~
33 ~~requirements established by this chapter. The standards shall~~
34 ~~address the disclosure of interests, relationships, or affiliations that~~
35 ~~may constitute conflicts of interest, including, but not limited to,~~
36 ~~prior service as an arbitrator or other dispute resolution neutral~~
37 ~~entity, disqualifications, acceptance of gifts, and establishment of~~
38 ~~future professional relationships.~~

1 ~~(b) Subdivision (a) does not apply to an arbitration conducted~~
2 ~~pursuant to the terms of a public or private sector collective~~
3 ~~bargaining agreement.~~

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